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KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004

In re Application of Thompson, et al.

Application No. 09/725,019

Filed: November 29, 2000 Atty. Dkt. No.: 10799/12

For: DNA ENCODING A PLANT DEOXYHYPUSINE SYNTHASE, A PLANT EUKARYOTIC INITIATION FACTOR 5A, TRANSGENIC PLANTS AND A METHOD FOR CONTROLLING

SENESCENCE PROGRAMMED AND CELL

DEATH IN PLANTS

: DECISION REFUSING STATUS

: UNDER 37 CFR 1.47(a)

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JUL 2 6 2004

OFFICE OF PETITIONS

This decision is in response to the petition under 37 CFR 1.47(a), filed June 22, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The first executed oath or declaration filed establishes the inventive entity of an application. The provisions of 37 CFR 1.47 are only applicable to original oaths or declarations. The above-identified application was filed November 29, 2000 with an executed declaration filed pursuant to 37 CFR 1.63(d). There is no indication in the record that the declaration has been objected to by the examiner. Thus, it would appear that the petition under 37 CFR 1.47 is inappropriate.

Any renewed petition must clarify the purpose for which petitioner is attempting to submit a new declaration. If petitioner has no intention of submitting a renewed petition, petitioner should contact the undersigned so that the instant application file can be forwarded promptly to the Publications Division for processing into a patent.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

a ....

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By facsimile:

(703) 872-9306

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Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310. Please be advised that on or about September 28, 2004, the main telephone number for the Office of Petitions will change to (571) 272-3282.

Alesia M. Brown

Petitions Attorney Office of Petitions